IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1362 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07/07/2004 in WP NO : 11555 OF 2004 on the file of the High Court.)

Between:

1 A.Raja Reddy, s/o.Chinna Hanumandlu,
r/o.Itikyal Village, Raikal Mandal,
Karimnagar Dist.
2 K.Venkanna, s/o.K.Venkata Rajam,
R/o.Itikyal Village, Raikal Mandal, Karimnagar Dist.

..... APPELLANTS

AND

1 Marripalli Narayna Goud, S/o.Ganga Ram,
Raikal Mandal,Karimnagar Dist.
2 The Collector, Panchayat Wing, Karimangar, Karimnagar Dist.
3 The District Panchayat officer, Karimnagar, Karimnagar Dist.

.....RESPONDENTS

Counsel for the Appellant:MR.V.RAVINDER RAO

Counsel for the Respondent No.1: Mr.Sri Ranga Rao.

Counsel for the Respondent Nos.2 and 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORAL ORDER (per the Hon'ble the Chief Justice)

We have heard the counsel for the parties.

The first respondent felt aggrieved against the order dated 5th July, 2004 passed by the Collector, Panchayat Wing, Karimnagar, placing him under suspension as Sarpanch and filed writ petition. Learned Government pleader raised objection about the maintainability of the writ petition on the ground that revision lies to the Government under Section 264 of the A.P. Gram Panchayat Act, 1964, which remedy had not been availed of by the writ petitioner. With leave and liberty granted to the writ petitioner to file revision with stay application within three weeks, learned single Judge dismissed the writ petition and while dismissing the writ petition, it was directed that till application for stay is heard and decided in the revision, the operation of the impugned order of suspension shall remain stayed.

Appeal is with leave by persons at whose behest proceedings were initiated against the writ petitioner. Grievance is that court while dismissing the writ petition, ought not to have stayed operation of the order of suspension.

We are informed that a revision has since been preferred on 24th July, 2004 along with application for stay. If that be so, we will limit the operation of stay granted by the learned single Judge. The stay order shall remain in operation for a period of three weeks from today so as to enable the writ petitioner to request the authority to pass appropriate orders of stay. Irrespective of the fact whether stay is granted or not, the operation of the order of stay granted by learned single Judge shall stand automatically vacated on expiry of the period of three weeks from today.

With these observations, the appeal stands disposed of.

DEVINDER GUPTA, CJ

6-8-2004

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C.V.RAMULU, J

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